

CAL/EPA POLICY MEMORANDUM

SUBJECT: ENFORCEABLE PERMITS STEERING COMMITTEE	NUMBER: E-07-04
	DATE ISSUED: November 1, 2007
	EXPIRES: UNTIL RESCINDED
	CATEGORY: ENFORCEMENT
REFERENCES: Governor's <i>Environmental Action Plan for the Environment</i> , November 2003 Secretary of Cal/EPA Enforcement Initiative Memo of November 30, 2004; Secretary of Cal/EPA Enforcement Initiative Memo of February 27, 2006; Secretary of Cal/EPA Enforcement and Compliance Memo of May 9, 2007	

This policy establishes the Enforceable Permits Steering Committee as the governing structure for the development and implementation of a system to assure that all environmental permits granted by Cal/EPA state and local programs are clear, coordinated, consistent and enforceable.

In 2004, Cal/EPA conducted a self-assessment of its enforcement programs that revealed concrete and specific actions the Cal/EPA Boards, Departments, and Offices (BDOs) could take to improve Cal/EPA enforcement results. One of the recommendations identified in the self-assessment was that a task force be developed to make recommendations on ensuring that regulations and permits were enforceable by enforcement staff. The Enforceable Permits team was established in June 2005, and consisted of representatives of many of the Cal/EPA programs.

In 2006, the Enforceable Permits Team conducted a survey to investigate the concern that permits were unenforceable. A report posted on the Cal/EPA Intranet Project Sites summarizes the results of the survey and recommendations for improving the enforceability of permits. These recommendations included providing better training of permitting staff, establishing better communication between permitting and enforcement staff, improving permit writing processes to ensure permit quality, and standardizing permit language.

To continue to plan and manage the continuing improvement and coordination of California's state permitting programs, to ensure that permits are clear, consistent and enforceable, the Enforceable Permits Steering Committee is established. It will be convened to ensure the continued focus for permit enforceability through the responsibilities stated in the attached Enforceable Permits Steering Committee Team Charter.

_____/s/
Linda S. Adams
Secretary for Environmental Protection

Attachment: Enforceable Permits Steering Committee Charter

**CAL/EPA ENFORCEMENT INITIATIVE
ENFORCEABLE PERMITS STEERING COMMITTEE
CHARTER**

November 1, 2007

NAME: Enforceable Permits Steering Committee

SPONSOR: Matt Bogoshian, Deputy Secretary for Law Enforcement and Counsel

SPONSOR'S DESIGNEE: Don A. Johnson, Assistant Secretary

MEMBERSHIP: Assistant General Counsel for Enforcement; Assistant Secretary for CUPAs and Emergency Response; and assigned staff from each Board and Department.

MISSION: Plan and manage the continuing improvement and coordination of California's state permitting programs, to ensure that permits are clear, consistent and enforceable.

BACKGROUND: Cal/EPA's Enforcement Initiative team on Enforceable Permits developed a survey of staff at the Boards, Departments and Offices. The survey identified many issues related to the enforceability of permits, and recommended that a governing body be established to prioritize and resolve the issues. Review, prioritization and resolution of the issues are expected to be a multi-year effort. A coordinated agency-wide approach can share individual program successes and innovations to enable others to produce better and more consistent improvements. Sharing tools and techniques employed by others can reduce implementation costs. Greater program coordination and consistency has the potential to enhance each program's ability to meet our overall environmental mission and has the potential to improve our success in obtaining the necessary authority or resources.

GOALS:

Review, prioritize, evaluate and set up sub-committees/workgroups to evaluate the following and/or other issues identified by the Enforceable Permits Steering Committee:

1. A joint training program for permit writers and inspectors.
2. A system to identify, track and follow up on permit problems.
3. Coordination between permit writers and inspectors.
4. Permit standardization.
5. Filing systems.
6. Quality control procedures for permit issuance.
7. Enforceable permit policy memorandum.
8. Update regulations, plans and policies.

GOVERNANCE:

Committee Authority:

1. Make recommendations to the Secretary within the scope of this project that would change; existing local, State or Federal legal, policy or administrative standards.

2. Dedicate resources as appropriate to implement or support Committee projects.
3. Charter workgroups/sub-committees as necessary to develop specific projects or proposals for committee consideration.
4. Invite other participants as appropriate.

COMMITTEE COMMITMENTS:

Sponsor's Designee:

- Meet with team as necessary to provide policy direction.
- Meet with team for progress updates.
- Review implementation plan and deliverables prior to the Secretary's approval.
- Communicate relevant information regularly with steering committee.
- Assist with resolving differences between Cal/EPA and BDOs on team products, or when BDO resources dedicated to work on this enforcement initiative conflict with BDO priorities.
- Review plans and subsequent deliverables.
- Report progress of steering committee to the sponsor.
- Advise sponsor as necessary for approval of committee recommendations.

Committee Members:

- Active participation in team meetings.
- Review and constructive comment on Committee proposals and draft products.
- Share program information.
- Work towards constructive and cooperative development of solutions.
- Fair, professional and careful consideration of all recommendations.
- Participate on sub-committees and workgroups or provide staff to research and develop ideas for program improvement.

Committee Duties:

- The Committee will meet at least once each quarter or as often as monthly if deemed necessary. Committee members will participate in meetings and complete agreed upon tasks as appropriate.

PROJECT DURATION: Until discontinued by the Secretary.

/s/

Linda S. Adams
Secretary for Environmental Protection